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**House Bill 6526, An Act Concerning Brownfield Remediation and Development As  
An Economic Driver**  
Commerce Committee  
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The Environmental Law Section of the Connecticut Bar Association supports passage of Section 6 of HB 6526. This provision would restore to Section 22a-426 of the General Statutes the streamlined process for re-classifying surface and ground water bodies, which is critical to facilitating redevelopment of Brownfield sites in Connecticut. As you will recall, last year's amendment of Section 22a-426 required that the Water Quality Standards be adopted in accordance with the Uniform Administrative Procedures Act ("UAPA"), and a provision to retain the more flexible process for re-classifying waters was lost in the end of session crush of important legislative business.

By way of background, the Water Quality Standards are comprised of three elements: the Standards themselves, including classifications of different water resources according to the desirable use of the resource; the Criteria, which include the both descriptive and numerical standards for the various classifications; and the Classification Maps, which depict, for each water body or segment, including ground water, the classification applicable to that body of water.

Section 6 of HB 6526 applies only to changes to the Classification Maps and would provide the Commissioner with a streamlined process to amend the maps following publication of a notice and a public hearing, without having to go through the lengthy process for adoption and amendment of regulations.

This is particularly important for Brownfields initiatives, because we now know that ground water in many areas of the state was historically classified incorrectly based on the information available at the time. As a result there are many locations where the ground water is classified as GA, which means it is presumed to be fit for human consumption without treatment, but should be classified as GB, which means the ground water is presumed to be contaminated.

An inappropriate GA classification translates into overly stringent clean-up standards for Brownfield properties with significant additional remediation costs, and the only way to correct the error is to change the classification.

The Department has been very responsive in the past in making these changes where the errors have been pointed out. The former process of allowing a request for a change to be made to the Department with supporting reasons and documentation, followed by publication of a notice of a public hearing, and individual notice to municipal officials in the community involved worked well, and it should be restored to provide the flexibility to address the problem of incorrect classifications in a timely manner.

If passed, Section 6 of HB 6526 would not affect the change made last year to require future amendments of the Standards themselves to be adopted through the UAPA regulation adoption process, but it would provide that when re-classifications of water bodies are necessary, the re-classification process will follow the more flexible notice and hearing process contained in the bill.

For all the foregoing reasons, the CBA Environmental Law Section urges the committee to **favorably report** Section 6 of HB 6526.

Thank you for the opportunity to appear and testify on this matter. I would be pleased to answer any questions that you may have.